

800 Liquor and Beer

801 Licensing

801.010 Definitions.

- (1) Bona Fide Club. "Bona fide club" means a club organized for social or business purposes, for intellectual improvement, or for the promotion of sports, where the serving of 3.2% malt liquor is incidental to and not the main purpose of the club.
- (2) Club. "Club" means any corporation duly organized under the laws of the State of Minnesota for civic, fraternal, social or business purposes, for intellectual improvement, or for the promotion of sports; or a congressionally chartered veterans' organization if it meets the following conditions:
 - (a) It shall have more than fifty members.
 - (b) For more than one year, it shall have owned, hired, or leased a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable accommodation of its members.
 - (c) Its affairs and management shall be conducted by a Board of Directors, Executive Committee, or other similar body chosen by the members at a meeting held for that purpose.
 - (d) None of its members, officers, agents or employees shall be paid directly or indirectly any compensation by way of profit from the distribution or sale of beverages to the members of the club, or to its guests, beyond the amount of such reasonable salary or wages as may be fixed and voted each year by the governing body of the club.
- (3) Exclusive Liquor Store. "Exclusive liquor store" means an establishment under the control of an individual owner or manager which is used exclusively for the retail sale of intoxicating liquor off-sale and, as an incident thereof, may also sell tobacco products, soft drinks, and various confections for use off of the premises.
- (4) Intoxicating Liquor. "Intoxicating liquor" means ethyl alcohol, distilled, fermented, spirituous, vinous, and malt beverages containing in excess of 3.2 percent of alcohol by weight.
- (5) Intoxicating Malt Liquor. "Intoxicating Malt Liquor" means any beer, ale, or other beverage made from malt by fermentation and containing more than 3.2% of alcohol by weight.

- (6) Hotel. "Hotel" means an establishment where food and lodging are regularly furnished to transients and which has:
- (a) A dining room serving the general public at tables and having facilities for seating thirty (30) guests at one time; and
 - (b) At least thirty (30) guest rooms.
- (7) License Year. "License year" means the period from July 1 through and including June 30.
- (8) Manufacturer. "Manufacturer" means any person who, by any process of manufacture, fermenting, brewing, distilling, refining, rectifying, blending, or by the combination of different materials, prepares or produces intoxicating or 3.2% malt liquors for sale.
- (9) 3.2% Malt Liquor. "3.2% malt liquor" means any fermented, potable malt beverage containing not less than one-half of one percent alcohol by volume or more than 3.2 percent alcohol by weight.
- (10) On-Sale. "On-sale" means the sale of intoxicating liquor or 3.2% malt liquor by the glass or by the drink for consumption on the premises only.
- (11) Off-Sale. "Off-sale" means the sale of intoxicating liquor or 3.2% malt liquor in the original package for consumption off or away from the premises where sold.
- (12) Package or Original Package. "Package or original package" means any corked or sealed container or receptacle holding intoxicating liquor or 3.2% malt liquor.
- (13) Restaurant. "Restaurant" means any establishment, other than a hotel, having appropriate facilities for the serving of meals to not less than forty(40) guests at one time if applying for an intoxicating on-sale license, a 3.2 on-sale license or wine on-sale license. Except as hereinafter provided, an establishment shall satisfy the following criteria in order to qualify as a restaurant:
- (a) Meals shall be regularly furnished at tables to the general public, in consideration of payment therefor.
 - (b) An adequate staff shall be employed to provide the usual and suitable services to its guests. This criteria shall not apply to golf course clubhouses.
 - (c) The principal part of the business shall be the serving of foods. This criteria shall not apply to golf course clubhouses.

Rev. Date
7/9/07
Ord. #818

Rev. Date
12/21/15
Ord. 937

(d) An individual must be designated as the person who will be responsible for the management of the restaurant.

(14) Sale, Sell and Sold. "Sale, sell and sold" mean all barters, and all manners or means of furnishing intoxicating liquor or 3.2% malt liquor.

(15) Wholesale. "Wholesale" means any sale for purposes of resale.

(16) Wholesaler. "Wholesaler" means any person engaged in the business of selling intoxicating liquor from stock maintained in a warehouse within the State of Minnesota to retail dealers.

801.020 **License Required**. No person, except wholesalers or manufacturers, to the extent authorized by law, may directly or indirectly, on any pretense, or by any device, sell, barter, keep for sale or otherwise dispose of intoxicating liquor, as part of a commercial transaction, unless licensed as provided herein.

801.030 **Types and Numbers of Liquor Licenses**. A person may make application for the following types of liquor licenses:

(A) Intoxicating Liquor On-Sale. This license shall be issued only to hotels, restaurants, and certain clubs as hereinafter provided. No more than ten intoxicating liquor on-sale licenses may be issued at any time to hotels and restaurants. Additional intoxicating liquor on-sale licenses may be granted if approved by the Minnesota Commissioner of Public Safety, to incorporate congressionally chartered veterans' organizations which have been in existence for ten years or to clubs which have been in existence for fifteen years.

(B) Intoxicating Liquor On-Sale Wine. This license shall only be issued to hotels, restaurants, and certain clubs as hereinafter provided. The intoxicating liquor on-sale wine license shall permit the sale of wine not exceeding fourteen percent alcohol by volume for consumption on the licensed premises and only in conjunction with the sale of food; and shall permit a licensee who also has a 3.2% malt liquor on-sale license and whose gross receipts are at least 60% attributable to the sale of food, to sell intoxicating malt liquor for consumption on the premises only in conjunction with the sale of food.

(C) Intoxicating Liquor Off-Sale. This license shall be issued only to exclusive liquor stores. No more than 1 license per 5,000 people can be issued at any one time.

(D) Intoxicating Liquor Sunday Sales. This license may be issued to hotels, restaurants, or clubs which have been issued intoxicating liquor on-sale licenses or to establishments which have been issued intoxicating liquor on-sale wine licenses. It shall allow hotels, restaurants and clubs to serve

Rev. Date
5/1/06
Ord. #795

intoxicating liquor in conjunction with the serving of food. It shall allow establishments which have been issued intoxicating liquor on-sale wine licenses to serve wine not exceeding fourteen percent alcohol by volume in conjunction with the serving of food.

- (E) 3.2% Malt Liquor On-Sale License. This license shall only be issued to restaurants, hotels, and to golf course clubhouses. A license issued to a golf course clubhouse shall also allow the sale of 3.2% malt liquor on the golf course.
- (F) 3.2% Malt Liquor Off-Sale License. This license shall be issued to exclusive liquor stores and retail food stores.
- (G) 3.2% Malt Liquor Special Events License. A special event 3.2% license shall permit the retail sale of 3.2% malt liquor for consumption on the premises and during the time of the special event. A special event license may be issued to a club or charitable, religious, or non-profit organization or to an organization contributing all of the profits of the sale of 3.2% malt liquor to a charity. The license shall specify the date, time, place and premises of the special event. A special event 3.2% malt liquor license is not transferable.
- (H) Intoxicating Liquor Banquet. The City may authorize the holder of an intoxicating liquor on sale license issued by the City of Shoreview or a municipality adjacent to the City of Shoreview and will allow the licensee to dispense intoxicating liquor at any convention, banquet, conference, meeting, or social affair conducted on the premises of a sports, convention or cultural facility owned by the City of Shoreview. The licensee must be engaged to dispense intoxicating liquor at an event held by a person or organization permitted to use the premises and may dispense intoxicating liquor only to persons attending the event. The licensee may not dispense intoxicating liquor to any person attending or participating in an amateur athletic event held on the premises.
- (I) Intoxicating Liquor Special Event. This license shall only be issued to a club, charitable, religious, or other non-profit organization which has been in existence for at least three (3) years. The license shall permit the licensee to sell intoxicating liquor on sale in connection with a social event sponsored by the licensee within the City of Shoreview. The license may authorize the sale of intoxicating liquor on sale for not more than three consecutive days and may authorize the sale of intoxicating liquor on sale on premises other than premises the licensee owns or permanently occupies. The license may provide that the licensee may contract for intoxicating liquor catering services with the holder of a full year on-sale intoxicating liquor license issued by any municipality within the State of Minnesota. Licenses issued under this section are not valid unless first approved by the Commissioner of Public Safety.

801.040 License Application. Any person requesting an intoxicating or 3.2% malt liquor license shall submit the following materials to the City Manager at the time of a license application. The license application shall not be considered complete unless all of the following materials have been submitted:

- (A) Except as herein provided, all liquor license applications except those relating to intoxicating liquor on sale licenses, shall be submitted with an investigation fee of \$200.00. If the application is for an intoxicating liquor on-sale license, the minimum investigation fee shall be \$200.00 and the maximum investigation fee shall be based upon the City's investigative costs not to exceed \$500.00 if the investigation is conducted within the State of Minnesota or not to exceed \$10,000.00 if all or a portion of the investigation is conducted outside of the State of Minnesota. Upon request, the City Council may waive all or a portion of the investigation fee if the application is for a 3.2% malt liquor special event license, an intoxicating liquor banquet license, or an intoxicating liquor special event license.
- (B) A completed and verified license application form as prescribed by the Minnesota Commissioner of Public Safety.
- (C) A completed and verified supplemental application form as prescribed by the City Manager which shall include the following:
 - (1) Applicant's name, address, occupation and telephone number. If applicant is a corporation, the names, addresses, occupations and telephone numbers of the stockholders and officers of the corporation shall be submitted.
 - (2) A legal description and post office address of the property on which liquor will be sold.
 - (3) A written description of the type of business which will be conducted, services to be offered, and items to be sold on the licensed premises.
- (D) A drawing to scale showing the floor plan of the premises proposed for licensing and its relationship to the boundaries of the property on which the premises is located.
- (E) The full amount of the annual license fee, as provided herein, for the type of liquor license being requested, or a portion thereof prorated on a monthly basis (including each month or fraction thereof as a whole month) when the application is made during the license year. The annual license fee or prorated portion thereof shall be refunded if the application is rejected.
- (F) Except as hereinafter provided, when the application is for an intoxicating liquor on-sale license, an intoxicating liquor on-sale wine license, or an

intoxicating liquor off-sale license, or a 3.2% malt liquor special event license, the applicant shall provide a liability insurance policy providing coverage for damages arising out of the sale of intoxicating liquor or 3.2% malt liquor.

(1) The liability insurance policy shall provide the following minimum coverages:

(a) \$50,000 due to bodily injury to any one person in any one occurrence, and, subject to the limit for one person, in the amount of \$100,000 due to bodily injury to two or more persons in any one occurrence, and in the amount of \$10,000 due to injury to or destruction of property of others in any one occurrence; and

(b) \$50,000 for loss of means of support of any one person in any one occurrence, and, subject to the limit for one person, \$100,000 for loss of means of support of two or more persons in any one occurrence.

(c) \$50,000 for other pecuniary loss of any one person in any one occurrence, and \$100,000 for other pecuniary loss of two or more persons in any one occurrence.

Ord. 872
Rev. 9/7/10

(2) The liability insurance policy shall provide that it may not be cancelled for any cause, either by the insured or by the insurance company without first giving ten days' notice to the City, addressed to the City Manager, 4600 North Victoria Street, Shoreview, Minnesota 55126.

(3) The operation of an intoxicating liquor business without having on file at all times a valid liability insurance policy shall be grounds for immediate revocation of the license.

(4) The liability insurance provisions of 801.040(l) shall not apply to an applicant for a 3.2% malt liquor on-sale license, a 3.2% malt liquor off-sale license, a 3.2% malt liquor special event license, or an intoxicating liquor on-sale wine license where such licensees have sales of less than \$10,000 of 3.2% malt liquor or wine per license year. Such licensees shall provide the City with a verified statement indicating the total dollar amount of 3.2% malt liquor or wine sales in the previous license year.

801.050 License Fees. Annual liquor license fees shall be as prescribed, from time to time, by City Council resolution on file with the City Manager. The annual fee for On-Sale Intoxicating Liquor may be reduced as designated by such resolution if the applicant provides evidence satisfactory to the City Manager which indicates that applicant has adopted and is enforcing an alcoholic awareness training program for applicant and applicant's employees.

- 801.060 Investigation.** Upon receipt of a completed application, the City Manager shall investigate all facts set out in the application and obtain a report from the Ramsey County Sheriff's Department.
- 801.070 Public Hearing.** Except as provided herein, applications for intoxicating or 3.2% malt liquor licenses shall be reviewed by the City Council at a public hearing which shall be preceded by ten (10) days published notice and ten (10) days mailed notice to all record owners of property within 350 feet of the boundaries of the property on which the licensed premises will be located. Liquor license renewals for the same premises, liquor license transfers from one entity or person to another at the same premises, new liquor license applications for an existing licensed premises; or applications for intoxicating liquor banquet licenses, intoxicating liquor special event licenses, or non-intoxicating liquor special event licenses shall not be subject to public hearing requirements unless directed by the City Council.
- 801.080 Granting of License.** All liquor licenses, except 3.2% malt liquor special event licenses, shall expire on the 30th day of June following the date of issuance and shall be issued for a period of one year unless a portion of the license year has elapsed when the application is submitted, in which event, the license shall be issued for the remainder of the license year. A 3.2% malt liquor special event license shall expire according to its terms.
- 801.090 Notice to Commissioner of Public Safety.** Within ten days after the issuance of an intoxicating liquor on-sale license, the City Manager shall submit to the Commissioner of Public Safety the full name and address of each person granted a license, the tradename of the business, the effective license date, and the date of expiration. During the license year, the City Manager shall submit to the Commissioner of Public Safety all information received regarding licensee's change of address, license transfer or the cancellation or revocation of an intoxicating on-sale liquor license.
- 801.100 Transfer of License.** No license may be transferred to another person or to another place without consent of the City Council. If licensee is a corporation, the transfer of corporate stock shall be considered a transfer from person to person. Application for transfer shall be made on forms prescribed by the City Manager and shall be submitted with a non-refundable transfer fee of \$200. Upon receipt of a completed transfer application, the City Manager shall investigate all facts set forth in the application and shall obtain a recommendation from the Ramsey County Sheriff's Department before submitting the application to the City Council for review.

If the application is for the transfer of a liquor license to another place, the applicant shall also submit a currently certified licensed abstractor's certificate containing the names and post office addresses of all record property owners within three hundred fifty feet of the boundaries of the lot to which the transfer is proposed. Application for transfer to another place

shall be reviewed by the City Council at a public hearing preceded by ten days' published notice and ten days' mailed notice to all record property owners within three hundred fifty feet of the boundaries of the property on which the building is located or is proposed to be located and to which the transfer is proposed.

801.110 License Renewals. Applications for renewal of an existing liquor license shall be filed with the City Manager along with the annual license fee on or before June 1 of each license year.

801.120 License Eligibility Persons.

(A) No liquor license shall be issued to any person:

- (1) Who is under twenty one years of age.
- (2) Who is not of good moral character or repute.
- (3) Who, within five years prior to the application for such license, has been convicted of a willful violation of any Federal, State, or local law or regulation relating to the manufacture, sale, distribution, or possession for sale or distribution, of intoxicating liquor or 3.2% malt liquor, or whose liquor license has been revoked for a willful violation of such laws or regulations.
- (4) Who would have a direct or indirect financial interest in more than two other establishments in the City to which a liquor license has been issued.
- (5) Who, in the case of a 3.2% malt liquor license, is not the proprietor of an establishment for which the 3.2% malt liquor license is being requested.

(B) No license for the sale of 3.2% malt liquor shall be issued to any person who is also the owner and holder of a Federal retail liquor dealers' special tax stamp for the sale of intoxicating liquor at any place unless there has also been issued to such person a license to sell intoxicating liquor pursuant to the laws of the State of Minnesota at such place.

(C) No manufacturer or wholesaler shall directly or indirectly own or control or have any financial interest in any retail business selling intoxicating liquor.

(D) No license shall be issued to any person with connection with the premises of another to whom no license could be issued under the provisions of this chapter; provided, that this provision shall not prevent the granting of a license to a proper lessee by reason of the fact that he shall lease the premises of a minor or a person who has been convicted of

a crime other than the violation of this chapter or the Minnesota State Intoxicating Liquor Act.

801.130 License Eligibility - Premises.

Rev. Date
12/21/15
Ord. 937

- (A) No license shall be issued for a premise upon which taxes, assessments or other financial claims of the City are delinquent and unpaid.
- (B) Except as hereinafter provided, intoxicating liquor licenses shall only be issued for premises located within a commercially zoned district. An intoxicating liquor on-sale license and an intoxicating liquor Sunday sale license may be issued to congressionally chartered veterans' organizations for premises located in R-2 zoning districts.
- (C) No liquor license shall be effective beyond the compact and contiguous space identified within the license application as the licensed premises.

801.140 Conditions of License.

- (A) Posting. All liquor licenses shall be posted in a conspicuous place in the premises for which they have been issued.
- (B) Licensee Responsibility. Every licensee shall be responsible for the conduct of his place of business and for conditions of sobriety and order therein.
- (C) Gambling. No licensee shall keep, possess, or operate, or permit the keeping, possession, or operation of, on the licensed premises, or in any room adjoining the licensed premises, any gambling device or apparatus, nor permit any gambling therein, unless an appropriate license has been obtained.
- (D) Prostitution. No licensee shall permit the licensed premises or any room in the licensed premises, or in any adjoining building, directly or indirectly under its control to be used as a resort for prostitutes or other disorderly persons.
- (E) Underaged Persons.
 - (1) Employment. No person under eighteen years of age shall be employed in any rooms constituting the place in which intoxicating liquors are sold on-sale at retail, except that persons under eighteen years of age may be employed as musicians or to perform the duties of a bus boy or dishwashing services in places defined as a restaurant or hotel serving food and rooms in which intoxicating liquors are sold on-sale at retail.

- (2) Consumption. No person, except a licensed pharmacist, shall sell, give, bargain, furnish, deliver, or dispose of in any manner either directly or indirectly any intoxicating liquor or 3.2% malt liquor to any person under twenty one years of age. No licensee or his employee shall permit any person under twenty one years of age to consume any intoxicating liquor or 3.2% malt liquor on the licensed premises.
- (F) Intoxicated Persons. No person shall sell, give, bargain, furnish, deliver, or dispose of in any manner either directly or indirectly any intoxicating liquor or 3.2% malt liquor to any obviously intoxicated person.
- (G) Tampering. No licensee shall directly or through an agent, employee, or other person, dilute or in any manner tamper with the contents of any original package or bottle so as to change its composition or alcoholic content while in the original package or bottle.
- (H) Off-Sale. No intoxicating liquor off-sale licensee shall sell intoxicating liquor "on-sale" or permit the consumption of any liquor on the licensed premises.
- (I) Ethyl Alcohol. No liquor licensee shall keep ethyl alcohol or neutral spirits on the licensed premises, or permit their use on the licensed premises, either alone or mixed with any other beverage.
- (J) Zoning. Any person accepting a liquor license automatically waives any rights or benefits which might otherwise have accrued under any zoning law whereby the use of land may be continued after the enactment of such a zoning law under which has become non-conforming.
- (K) Public Sale. All liquor sales shall be made in full view of the public.

801.150 Hours.

- (A) Intoxicating Liquor On-Sale. Accept as hereinafter provided, no sale of intoxicating liquor for consumption on the licensed premises may be made during the following hours:

- (1) Between 1 a.m. and 8 a.m. on the days of Monday through Saturday.
- (2) After 1 a.m. on Sunday.
- (3) Between 8 p.m. on December 24 and 8 a.m. on December 25.

Licensees who have been issued Intoxicating Liquor Sunday Sale licenses may sell the type of intoxicating liquor authorized by such license, for consumption on the premises in connection with the sale of food, between the hours of 8 a.m. on Sunday and 1 a.m. on Monday provided that the licensee is in conformance with the Minnesota Clean Air Act.

Rev. Date 7/1/17 Ord. #955

Rev. Date 12/21/15 Ord. 937

(B) Intoxicating Liquor Off-Sale. No sale of intoxicating liquor may be made by an off-sale licensee:

Rev. Date
7/1/17
Ord. 955

(1) On Sundays except between the hours of 11:00 a.m. and 6:00 p.m.;

(2) Before 8:00 a.m. or after 10:00 p.m. on Monday through Saturday;

(3) After 8:00 p.m. on Monday through Thursday and after 10:00 p.m. on Friday and Saturday, provided that an establishment may sell intoxicating liquor off-sale until 10:00 p.m. on December 31st and July 3rd and on the day preceding Thanksgiving Day unless otherwise prohibited under Section 801.150(B)(1);

(4) On Thanksgiving Day;

(5) On Christmas Day, December 25; or

(6) After 8:00 p.m. on Christmas Eve, December 24.

Rev. Date
5/1/06
Ord. #795

(7) No delivery of alcohol to an off-sale licensee may be made by a wholesaler or accepted by an off-sale licensee on a Sunday. No order solicitation or merchandising may be made by a wholesaler on a Sunday.

Rev. Date
7/1/17
Ord. #955

(C) 3.2% Malt Liquor On-Sale or Off-Sale. No sale of 3.2% malt liquor either on- or off-sale shall be made between the hours of 1:00 a.m. and 8:00 a.m. on Monday through Saturday, inclusive, nor on any Sunday between the hours of 1:00 a.m. and 12:00 noon.

(D) Consumption. No licensee shall allow any person to consume any intoxicating liquor or 3.2% malt liquor on the licensed premises, except within the hours when the sale of such liquor is permitted or for a period of time not to exceed one-half hour after the sale of such liquor is prohibited.

(E) Evacuation. No licensee shall allow any person to remain on the licensed premises for more than one-half hour after the time when the sale of such liquor is prohibited. This provision shall not apply to a licensee or to its employees who are engaged in the exercise of their employment.

(F) Display. No on-sale liquor establishment shall display liquor when open to the public during hours when the sale of liquor is prohibited.

(G) Other Products. No tobacco products, soft drinks, or confections shall be sold in any exclusive liquor store during the hours when the sale of intoxicating liquor is prohibited.

801.160 **(Reserved for Future Use)**

801.170 **Compliance Checks.** The City shall conduct compliance checks at least twice each calendar year at each location where alcohol is sold to test compliance with Minnesota Statutes Section 340A.503. Compliance checks shall utilize minors over the age of 18 but under the age of 21, who will attempt to purchase alcohol under the direct supervision of a law enforcement officer or an employee of the licensing authority.

801.180 **Suspension and Revocation and Administrative Penalties.**

(A) Generally. The City Council may suspend for a period not to exceed sixty days, revoke any license, or impose an administrative penalty up to \$2,000, or any combination thereof for violation of any condition or provision of this code, or applicable statute or regulation. No suspension or revocation shall take effect until the licensee has been afforded an opportunity for a public hearing in accordance with Minnesota Statutes Section 14.57 to 14.70. The hearing notice shall be given at least 10 days prior to the hearing, including notice of the time and place of hearing and state the nature of the charges against the licensee. The licensee shall be entitled to representation at the hearing. Licensees whose licenses have been revoked, shall not be entitled for another liquor license for one (1) year from the date of license revocation.

(B) Insurance. Upon the expiration or cancellation of the insurance policy required under Section 801.040(I), a license shall be suspended or revoked in accordance with 801.180(A).

(C) Administrative Penalties. The purpose of this section is to establish administrative penalties for the sale of alcoholic beverages to underage persons; sale of alcoholic beverages to obviously intoxicated person; after hours sales/display/consumption of alcoholic beverages; or illegal gambling on premises committed by the license holder or its employees.

(1) For on-sale and off-sale license holders who participate in optional manager and server training and prove the person who sold or served alcohol had received city approved beverage server training within the previous year:

- a. For a first violation, the license holder will be given a warning letter and one (1) additional compliance check.
- b. For a second violation, in thirty-six (36) months, the minimum penalty shall be a five hundred dollar (\$500.00) fine, a one-day suspension, and one (1) additional compliance check.
- c. For a third violation in thirty-six (36) months, the minimum penalty shall be a one thousand dollar (\$1,000.00) fine, a three (3) day suspension and one (1) additional compliance check.

- d. For a fourth violation in thirty-six (36) months, the minimum penalty shall be fifteen hundred dollar (\$1,500.00) fine, a five (5) day suspension and one (1) additional compliance check.
 - e. For a fifth violation in thirty-six (36) months, the license shall be revoked.
- (2) For on-sale and off-sale license holders who do not participate in optional manager and server training:
- a. For a first violation, the minimum penalty shall be a five hundred dollar (\$500.00) fine and one (1) additional compliance check.
 - b. For a second violation in thirty-six (36) months, the minimum penalty shall be a five hundred dollar (\$500.00) fine, three (3) day suspension and one (1) additional compliance check.
 - c. For a third violation in thirty-six (36) months, the minimum penalty shall be a one thousand dollar (\$1,000.00) fine, a five (5) day suspension and one (1) additional compliance check.
 - d. For a fourth violation in thirty-six (36) months, the minimum penalty shall be a fifteen hundred dollar (\$1,500.00) fine, a ten (10) day suspension and one (1) additional compliance check.
 - e. For a fifth violation in thirty-six (36) months, the license shall be revoked.
- (D) Administrative Penalties Procedures. The following procedure should generally be followed for Council review of liquor license violations that are subject to the administrative penalties established in 801.180(C):
- (1) The City Manager or designee will contact the license holder asking if the licensee will sign an admission of the facts of the alleged violation and an acceptance of the administrative penalty listed in Section 801.180(C). The licensee may choose to admit the facts but not accept the administrative penalty. License holders have the right to request a hearing before the City Council if not in agreement with the violation or the administrative penalty. The City Manager may also schedule a hearing before the Council if he/she believes there is a valid reason to deviate from the administrative penalty.
 - (2) If a hearing is requested, it will be conducted in accordance with the Administrative Procedure Act, Minn. Stat. 14.57 to 14.70. The Council will issue written findings on the alleged violation and an order imposing sanctions, if any.
 - (3) If the licensee and the City Manager agree on the violation and the administrative penalty, a written admission will be provided to the Council with a proposed order. For first and second violations, the matter will be scheduled as part of the consent agenda, and it is expected that the Council will generally issue the proposed order without discussion. Nevertheless, the Council may choose to schedule

the matter for special Council review and action. The City must provide at least ten (10) days notice to the licensee before this review is conducted. Any violations beyond the second violation must be scheduled for a hearing before the Council.